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Attorneys for Defendant Bank of America, N.A.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FLORAME DELOS REYES LU DO, an)
individual, and as the Court-Appointed Personal)
Representative of the Estate of CAYETANO)
LU DO, a deceased individual,)

Plaintiff,)

v.)

BANK OF AMERICA, N.A., d/b/a BANK OF)
AMERICA CORPORATION, a Delaware)
Corporation; WELLS FARGO BANK, N.A., a)
California corporation; and ROE COMPANIES)
I-X, inclusive,)

Defendants.)

Case No. 2:14-cv-01553-GMN-VCF

**BANK OF AMERICAN, N.A.'S
UNOPPOSED MOTION FOR
EXTENSION OF TIME TO
ANSWER COMPLAINT
(Second Request)**

Defendant Bank of America, N.A. ("BANA"), by and through its counsel, Law Offices of Amy N. Tirre, APC, respectfully requests the Court to enter an order extending the time allowed for BANA to file its answer to the Complaint up to and including April 21, 2015. In support thereof, BANA states as grounds:

1. Plaintiff, FLORAME DELOS REYES LU DO, filed the Complaint on August 21, 2014.

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1 2. BANA was served with the Complaint on September 10, 2014, and after an Order
2 Granting BANA's Unopposed Motion for Extension of Time to Respond to Complaint, BANA filed
3 its Motion to Dismiss the Complaint on October 14, 2014.

4 3. The motion was opposed by Plaintiff on October 28, 2014, and BANA filed its reply
5 on November 7, 2014.

6 4. The Court entered its Order on the Motion to Dismiss on March 23, 2015, granting
7 in part and denying in part BANA'S motion, which permitted Plaintiff to amend her Complaint with
8 regard to her claims for breach of bailment and breach of fiduciary duty. If the amended complaint
9 was not filed, the claims for breach of bailment and breach of fiduciary duty were to be dismissed
10 with prejudice.

11 5. Plaintiff did not file an amended complaint by April 7, 2015 as permitted by the
12 March 23, 2015 Order, and four (4) claims remain.

13 6. BANA did not anticipate that Plaintiff would not amend her Complaint and the
14 Court's Order is silent on a requirement for BANA to file an answer to the four (4) remaining claims
15 in the time permitted after entry of the March 23, 2015 order if no amended complaint were filed.

16 7. BANA's answer to any amended complaint would have been due by April 21, 2015,
17 however, since the complaint was not amended BANA believes its answer to the complaint for the
18 four (4) remaining claims was actually due on April 6, 2015.

19 8. BANA's counsel contacted counsel for Plaintiff to request an extension of time until
20 April 21, 2015 for BANA to file its answer to the Complaint. Counsel for Plaintiff agreed to the
21 relief sought herein and the instant motion is filed.

22 9. The foregoing Motion is filed in good faith and not for dilatory or other improper
23 purposes. No other extension is being requested by way of this Motion.
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2 WHEREFORE, BANK OF AMERICA, N.A., respectfully requests this Court to enter an
3 Order granting an extension up until April 21, 2015 for BANA to file its answer to the remaining
4 claims in the Complaint.

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6 DATED: April 10, 2015.

LAW OFFICES OF AMY N. TIRRE,
A Professional Corporation

7
8 /s/ Amy N. Tirre
9 Amy N. Tirre, Esq.

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11 IT IS SO ORDERED.

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14 UNITED STATES MAGISTRATE JUDGE

15 DATED: 4-15-2015

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Law Offices of Amy N. Tirre, APC, that I am over the age of 18 and not a party to the above-referenced case, and that on April 10, 2015, I filed and served the foregoing document as indicated:

 X **BY NOTICE OF ELECTRONIC FILING:** through Electronic Case Filing System of the United States District Court, District of Nevada, to the individuals and/or entities at their email addresses as set forth below:

Keen L. Ellsworth, Esq.
keen@silverstatelaw.com

Kent F. Larsen, Esq.
kfl@slwlaw.com

 BY HAND DELIVERY VIA COURIER: by causing hand delivery of the Document listed above via courier service to the persons at the addresses set forth below.

 BY MAIL: by placing the document listed above in a sealed envelope with Postage thereon fully prepaid in the United States Mail at Reno, Nevada, and addressed as set forth below. I am readily familiar with my office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on 10 April 2015, with postage thereon fully prepaid in the ordinary course of business.

DATED: April 10, 2015.

 /s/ Genevieve DeLucchi
An Employee of Law Offices of Amy N. Tirre, APC

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